IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M. JOSEPH

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 16727 of 2007(N)

PETITIONER:

THANKAPPAN, S/O. KARUMBAN,
RESIDING AT ARAKKAPARAMBIL VEEDU, PURAYIDAM CITY,
KONNATHADI VILLAGE, PONMUDI P.O.,
UDUMBUCHOLA, IDUKKI.

BY ADV. SRI. T. RAJASEKHARAN NAIR

RESPONDENTS:
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1. **THE ADIMALI BLOCK PANCHAYATH,**
   REPRESENTED BY ITS SECRETARY, OFFICE OF THE
   ADIMALI BLOCK PANCHAYATH, ADIMALI P.O.,
   IDUKKI DISTRICT.

2. **THE SCHEDULED CASTE DEVELOPMENT**
   OFFICER GRADE-II, ADIMALI BLOCK PANCHAYATH OFFICE,
   ADIMALI P.O., IDUKKI.

   R1 BY ADV. SRI. N.K. SHYJU
   R2 BY GOVERNMENT PLEADER SRI. P.K. RAVIKRISHNAN

   THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16727 of 2007(N)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF A CASTE CERTIFICATE DATED 28.02.2007, ISSUED BY THE COMPETENT AUTHORITY.**
EXT. P2	**:**	**COPY OF A CERTIFICATE ISSUED BY THE SPECIAL GRADE SECRETARY, KONNATHADY GRAMA PANCHAYATH TO THE PETITIONER.**
EXT. P3	**:**	**COPY OF A CERTIFICATE ISSUED BY THE SPECIAL GRADE SECRETARY, KONNATHADY GRAMA PANCHAYATH TO THE PETITIONER.**
EXT. P4	**:**	**COPY OF A CERTIFICATE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**

// True Copy //

P.A. to Judge.

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K.M.JOSEPH, J.

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W.P.(C).No. 16727 OF 2007

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Dated this the 16th day of July, 2007

JUDGMENT

The prayer in the writ petition is for a direction to the first respondent to disburse the sanctioned amount of Rs. 85,000/- towards the financial assistance to the houseless persons from the Block Panchayath to the petitioner for the purpose of constructing a residential building.

2. According to the petitioner, petitioner along with his family consisting of young daughters are permanently residing in a purambok hut in Konnathadi Grama Panchayat under the first respondent. First respondent after having due verification, sanctioned an amount of Rs. 85,000/- to the petitioner as financial assistance for the purpose of constructing a residential building, but it is being withheld.

3. A counter is filed by the first respondent, wherein it is stated interalia as follows:

" *The petitioner is the third person in the*

India Awas Yogana Scheme list, in the Konnathudy Grama Panchayath. The petitioner executed an agreement dated 07/03/2007, before Adimaly Block Panchayat to get sanctioned the loan under the INdira Awas Yogana Scheme.

The Indira Awas Yogana(IAY) is a flagship scheme of the Ministry of Rural Development to provide houses to the poor in the rural areas. The IAY is a centrally sponsored scheme funded on cost-sharing basis between the Government of India and the State Governments in the ratio of 75:25. The objective of the IAY is primarily to help construction/upgradation of dwelling units of members of scheduled castes/scheduled tribes freed bonded labourers and other below the poverty line non SC/ST households by providing them a lump sum amount an financial assistance."

It is further stated that petitioner is eligible to get a total amount of Rs. 70,000/- including central assistance and state assistance. In which share from the central assistance is Rs. 27,500/ and the Block share (state Government's share) is Rs. 42,500/-. There is reference to the procedure in para 7 and

8. It is stated that petitioner has not complied with such procedure.

3. Learned Counsel for the petitioner submits that it is true that petitioner is entitled only to Rs. 70,000/-. He would also submit that petitioner is bound to follow the procedure mentioned in the counter affidavit.

The writ petition is disposed of recording the statement in the counter affidavit and recording the submission of the petitioner that the petitioner limits his claims to Rs. 70,000/- and further directing that if the petitioner complies with the procedure mentioned in the counter affidavit, the amount due to him will be disbursed without any undue delay.

(K.M.JOSEPH, JUDGE)

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